

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011**

**SESSION LAW 2011-179
HOUSE BILL 565**

AN ACT TO ESTABLISH A BOUNDARY LINE AGREEMENT AND LIMIT THE
EXTRATERRITORIAL JURISDICTION AND ANNEXATION AUTHORITY WHICH
MAY BE EXERCISED BY THE TOWNS OF MOREHEAD CITY AND BEAUFORT.

The General Assembly of North Carolina enacts:

SECTION 1. The Towns of Morehead City and Beaufort could have overlapping extraterritorial planning jurisdictions under the provisions of Article 19 of Chapter 160A of the General Statutes making a demarcation desirable beyond which the Towns shall not exercise such jurisdiction and the boundary beyond which the Towns may not annex.

SECTION 2.(a) The boundary limiting the extraterritorial planning jurisdictions and authority to annex by the Towns of Morehead City and Beaufort is hereby established as follows:

BEGINNING at Bulkhead Light ("1BH") in Beaufort Channel at the South end of the rock jetty at Radio Island, and runs thence with the centerline of Beaufort Channel as described in Chapter 721 of the Session Laws of 1967 to point 8 as shown on the Map entitled "Morehead City/Beaufort Channels Map" dated March 24, 2011, a copy of which is located in the offices of the Town Clerks of Morehead City and Beaufort, and said point having coordinates on the North Carolina Plane Grid System of Northing 359147.700 and Easting of 2697941.100, with a 0.00 elevation; thence northeastwardly to a point formed by the intersection of two lines, the first being a line beginning at the southwest corner of the property of the United States of America as shown on the map thereof entitled "Annexation Map of the National Oceanic & Atmospheric Administration Facilities at Pivers Island – Beaufort, North Carolina" dated September 25, 2001, prepared by Bob M. Jones, Professional Land Surveyor, and recorded in Map Book 31, Page 171, Carteret County Registry and running thence with the extension of the South property line of the United States of America South 79° 54' 00" West, and the second line starting at the southeast corner of the property described in the deed from Jan Mitchell Hekhuis et ux to June Mitchell Phillips et ux dated June 6, 2007, recorded in Book 1232, Page 51, Carteret County Registry and running thence with the extension of the East property line of this tract or lot South 4° West; thence from said point of intersection North 4° East to the South right-of-way margin of Old Causeway Road (SR 1205); thence with that right-of-way margin eastwardly to its intersection with the western right-of-way margin of Pivers Island Road; thence with that margin extended northwardly to the centerline of present U.S. Highway 70; thence with the centerline of present U.S. Highway 70 eastwardly to a point in the West side of the marked Gallants Channel as shown on the said Map entitled Morehead City/Beaufort Channels (hereafter "Marked Channel"); thence with the West margin of the Marked Channel to its intersection with a projection eastwardly of the southern outside margin of the structure of the proposed new highway bridge across Gallants Channel; thence southwestwardly with said margin to its intersection with the North right-of-way margin of present U.S. Highway 70; thence westwardly with said highway margin to its intersection with the northern outside margin of the structure of the said new highway bridge across Gallants Channel; thence with the said bridge margin eastwardly to its intersection with the West margin of the Marked



Channel; thence with said margin of the Marked Channel to a point in a line running due West from the southwest corner of the Beaufort-Morehead City Airport property.

SECTION 2.(b) The Town of Beaufort shall not have authority to exercise any planning jurisdiction under G.S. 160A-360 nor to annex anything west of the boundary set out in subsection (a) of this section, and the Town of Morehead City shall not have authority to exercise any planning jurisdiction under G.S. 160A-360 nor to annex anything east of the boundary set out in subsection (a) of this section.

SECTION 3. This act does not make any annexation of any privately owned property.

SECTION 4. In the event that private property is hereafter acquired by a governmental unit within the corridor of Gallants Channel Bridge Project 3307, such property shall be added to the respective boundaries of either Morehead City or Beaufort in accordance with the boundary line established in Section 2(a) of this act by adoption of an ordinance of the respective Town, which shall be recorded under G.S. 160A-39 or G.S. 160A-51 as appropriate.

SECTION 5. Nothing in this act shall be interpreted as establishing extraterritorial planning jurisdictional areas for either Town, but only as establishing a boundary beyond which the two Towns may not exercise either extraterritorial planning jurisdiction or annexation authority.

SECTION 6. The western municipal limits of the Town of Beaufort shall be coterminous with the boundary described in Section 2(a) of this act and shall extend from the northern terminus of the boundary directly east to the southwest corner of the Beaufort-Morehead City Airport property.

SECTION 7. The municipal limits of the Town of Morehead City shall be coterminous with the boundary described in Section 2(a) of this act, and shall run from its northern terminus westwardly along a straight line passing 500 feet North of Phillips Island to a point in the present municipal limits of Morehead City, and shall run from the southern terminus of the boundary described in Section 2(a) of this act to the southwest corner of the property of the United States of America at the South end of Radio Island.

SECTION 8. Nothing in this act limits the authority of either Town to enter into mutual aid agreements or other interlocal agreements authorized by law.

SECTION 9. This act is effective when it becomes law.

In the General Assembly read three times and ratified this the 18th day of June, 2011.

s/ Philip E. Berger
President Pro Tempore of the Senate

s/ Thom Tillis
Speaker of the House of Representatives